

BID OPENING

CITY OF SAN JOSE

OFFICE OF THE CITY CLERK

RECEIVED
San Jose City Clerk

2010 MAR 25 P 2: 54

City Clerk
Time Stamp

TOTAL BASE BID 783,300

ALT NO. 1 _____

ALT NO. 2 _____

ALT NO. 3 _____

Alt No. 4 _____

Alt No. 5 _____

BID DATE: Thursday, March 25, 2010

Project Manager: Jesse Estolano – 793.4121

University Avenue Sanitary Sewer Replacement

BIDDER NAME: FERMIN SIERRA

Bond ☒ Cashier's Check _____

Addendums Included () 1,2

YES ☒ NO _____

Non-Collusion Affidavit

YES ☒ NO _____

BIDDERS

March 19, 2010

Subject: Addendum 2 to the Plans and Specifications for University Avenue Sanitary Sewer Replacement

Page 7

REVISED SCHEDULE OF QUANTITIES

PROJECT: UNIVERSITY AVENUE SANITARY SEWER REPLACEMENT

CONTRACTOR: Germin Sierra Construction Inc.

PROJECT I.D. 5509

ITEM NO.	SPEC. SECT	ITEM DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	EXTENSION
1.a	5-2	Street Clean-Up (minimum of \$400 per day) (Revocable)	Day	30	\$400.00	\$12,000.00
1.b	5-2	Street Clean-Up (Additional unit price above minimum price listed in Item No. 1.a above) (Revocable)	Day	30	100-	3,000 ⁰⁰
2.	11-1	Mobilization	L.S.	1	25,000-	25,000 ⁰⁰
3.	12-1	Traffic Control	L.S.	1	20,000-	20,000 ⁰⁰
4.a	12-2	Police Officers (minimum of \$48.00/hour) (Revocable)	Hr.	100	\$48.00	\$4,800.00
4.b	12-2	Police Officers (Additional unit price above minimum price listed in Item No.4.a above) (Revocable)	Hr.	100	2-	200 ⁰⁰
5.	15-1.2	Additional Potholing Existing Utilities (Revocable)	Ea.	9	100-	900 ⁰⁰
6.	15-2	Utility Conflict (Revocable)	F.A.	1	\$20,000.00	\$20,000.00
7.	25-1	Additional Backfill Material (Revocable)	Ton	95	2-	190 ⁰⁰
8.	39-1	Additional Asphalt Concrete Pavement (Revocable)	Ton	45	20-	900 ⁰⁰
9.	81-2	Install Survey Monument	Ea.	3	800-	2,400 ⁰⁰
10.	94-4	Emulsion Slurry Seal	S.F.	292,250	0.32	28,450 ⁰⁰
11.	1301-5	Geotextile (wrapped pipe)	L.F.	2,340	10-	23,400 ⁰⁰
12.	1301-6	Bedding Stabilization Material (Revocable)	Ton	70	3-	210 ⁰⁰
13.	1302-2	6-Inch Dia. Extra Strength VCP	L.F.	2,160	110-	237,600 ⁰⁰
14.	1302-3	Trench Sheeting, Shoring, and Bracing	L.S.	1	20,000-	20,000 ⁰⁰
15.	1302-5	Sanitary Sewer Lateral Verification (Revocable)	Ea.	21	100-	2,100 ⁰⁰
16.	1302-6	Reconnect Existing Sanitary Sewer Lateral	Ea.	43	200-	8,600 ⁰⁰
17.	1302-6	Replace/Extend 4-inch Sanitary Sewer Lateral (Revocable)	L.F.	200	50-	10,000 ⁰⁰
18.	1302-6	Additional 4-inch Sanitary Sewer Lateral (Revocable)	F.A.	1	\$25,000.00	\$25,000.00
19.	1302-7	Standard Sanitary Sewer Cleanout (Revocable)	Ea.	25	1,000-	25,000 ⁰⁰
20.	1305-1	New Standard Sanitary Sewer Manhole (D11)	Ea.	3	8,500-	25,500 ⁰⁰
21.	1308-1	Cleaning and Inspection of Sanitary Sewer Laterals	Ea.	43	300-	12,900 ⁰⁰
22.	1501-3.2	Trial Diversion (Revocable)	L.S.	1	500-	500 ⁰⁰
23.	1501-3.2	Diversion and/or Pumping of Sewage Flows	L.S.	1	1,000-	1,000 ⁰⁰
24.	1501-4	Existing Sewer Lateral Reinstatement	Ea.	148	75-	11,100 ⁰⁰
25.	1501-6	Point Repair for 6-Inch VCP (Revocable)	L.F.	200	300-	60,000 ⁰⁰
26.	1501-7	Remove Manhole Rungs (Per Each Manhole)	Ea.	21	100-	2,100 ⁰⁰
27.	1501-8	Cleaning and Inspection of Pipelines	L.F.	5,390	3-	16,170 ⁰⁰
28.	1502-1.8	Installation of CIPP Liner in 6-Inch VCP Sanitary Sewer	L.F.	5,390	22-	118,580 ⁰⁰
29.	1503-9	Manhole Rehabilitation	Ea.	21	1,700-	35,700 ⁰⁰
TOTAL						783,300⁰⁰

NONCOLLUSION AFFIDAVIT

Project Title: UNIVERSITY AVENUE SANITARY SEWER REPLACEMENT

Francisco V. Sierra, being first duly sworn, deposes and says that he/she is
(print name)

the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

Executed on March 25, 2010

Fernan Sierra Const. Inc
Legal Company Name

Corporation
Indicate Type of Entity: Sole Proprietorship,
Partnership (General/Limited Partners),
Corporation, Joint Venture, etc.

City Business Lic. No.: 4620851210

Expiration Date: 6-15-10

State Contractor Lic. No.: 767511

Classification: A

Expiration Date: 08-31-11

Federal I. D. No.: 94-3311563

Address: 32203 - Alameda Blvd.
Union City, Ca, 94587

By: Francisco V. Sierra
Title: Francisco V. Sierra GM-VP

Telephone: (510) 784-6371

NOTARY

On MARCH 25 2010 before me, GUADALUPE M. SIERRA, Notary Public, personally appeared
(name and title of officer)
FRANCISCO V. SIERRA who proved to me on the basis of satisfactory evidence to be
the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed
the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or
the entity upon behalf of which the person(s) acted, executed the instrument.

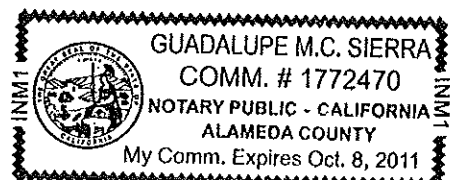
I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true
and correct.

WITNESS my hand and official seal.

Signature

Guadalupe M. Sierra
Notary Public

(Seal)



BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, FERMIN SIERRR CONSTRUCTION, INC. as PRINCIPAL, and INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation duly organized under the laws of the State of NEW JERSEY and duly licensed to become sole surety on bonds required or authorized by the State of California, as SURETY, are held and firmly bound unto the City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the City of San Jose, for the work described below; for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors, jointly and severally, firmly by these presents. In no case shall the liability of the Surety hereunder exceed the sum of TEN PERCENT OF AMOUNT BID DOLLARS (\$ 10% .).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for certain construction specifically described as follows, for which bids are to be opened in the Office of the City Clerk, City of San Jose, City Hall, 200 E. Santa Clara St., Wing 2nd Fl., San Jose, CA 95113, on March 11, 2010 for UNIVERSITY AVENUE SANITARY SEWER REPLACEMENT.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time and manner required under the specifications, after the prescribed forms are presented to Principal for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance policies with the City, all as required by the specifications and the contract or by law, then the obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety and its bond shall be in no way impaired or affected by any extension of the time within which the Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 9TH
day of MARCH, 2010.

PRINCIPAL

SURETY

FERMIN SIERRA CONSTRUCTION,
INC.

INTERNATIONAL FIDELITY
INSURANCE COMPANY

Legal Company Name

Legal Company Name

A CORPORATION
Indicate Type of Entity

By [Signature]
Title: Fernando V. Sierra

By [Signature]
Title: GREG McCARTNEY,
ATTORNEY-IN-FACT

By _____
Title: _____

By _____
Title: _____

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)

POWER OF ATTORNEY

INTERNATIONAL FIDELITY INSURANCE COMPANY

HOME OFFICE: ONE NEWARK CENTER, 20TH FLOOR

NEWARK, NEW JERSEY 07102-5207

FOR BID BOND/RIDER/CONSENTS/AFFIDAVITS

KNOW ALL MEN BY THESE PRESENTS: That INTERNATIONAL FIDELITY INSURANCE COMPANY, a corporation organized and existing laws of the State of New Jersey, and having its principal office in the City of Newark, New Jersey, does hereby constitute and appoint

GREG MCCARTNEY, FRANCES R. BRUNO, STEVE SUISSA

Belmont, CA.

his true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said INTERNATIONAL FIDELITY INSURANCE COMPANY, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be revoked, pursuant to and by authority of Article 3-Section 3, of the By-Laws adopted by the Board of Directors of INTERNATIONAL FIDELITY INSURANCE COMPANY at a meeting called and held on the 7th day of February, 1974.

The President or any Vice President, Executive Vice President, Secretary or Assistant Secretary, shall have power and authority

(1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and,

(2) To remove, at any time, any such attorney-in-fact and revoke the authority given.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 29th day of April, 1982 of which the following is a true excerpt:

Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.



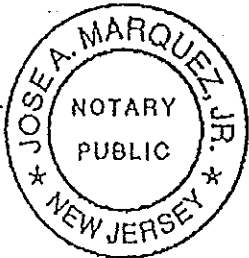
IN TESTIMONY WHEREOF, INTERNATIONAL FIDELITY INSURANCE COMPANY has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 31st day of August, A.D. 1998.

STATE OF NEW JERSEY
County of Essex

INTERNATIONAL FIDELITY INSURANCE COMPANY

[Signature]
Vice-President

On this 31st day of August 1998, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said he is the therein described and authorized officer of the INTERNATIONAL FIDELITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.



IN TESTIMONY WHEREOF, I have hereunto set my hand affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

[Signature]

A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Nov. 21, 2005

CERTIFICATION

I, the undersigned officer of INTERNATIONAL FIDELITY INSURANCE COMPANY do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect

IN TESTIMONY WHEREOF, I have hereunto set my hand this 9th day of March 2010

[Signature]
Assistant Secretary

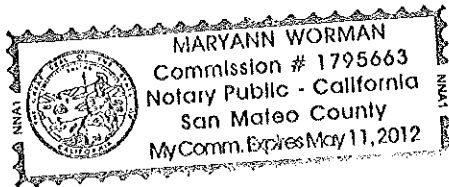
State of California


County of San Mateo

On March 9, 2010 before me, **MaryAnn Worman, Notary Public** personally appeared **Greg McCartney (x)** who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.





MaryAnn Worman, Notary Public

Optional Information

Though law does not require the information below, it may prove valuable to person(s) relying on the document and could prevent fraudulent reattachment of this form.

The signer claims to be the attorney-in-fact of the company executing the attached document.

Any inquiries regarding the preparation of this document should be directed to:

James E. McGovern, Inc.
1625 El Camino Real
Belmont, CA 94002
(650) 593-8216

*Department of Public Works*

TRANSPORTATION AND HYDRAULICS SERVICES DIVISION

March 10, 2010

**ADDENDUM NO. 1
TO
THE PLANS AND SPECIFICATIONS
FOR
UNIVERSITY AVENUE SANITARY SEWER REPLACEMENT**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into the Specifications for UNIVERSITY AVENUE SANITARY SEWER REPLACEMENT.

IMPORTANT

THIS ADDENDUM SHOULD BE ACKNOWLEDGED WHEN YOUR BID IS SUBMITTED. FAILURE TO ACKNOWLEDGE THE ADDENDUM MAY CONSTITUTE GROUNDS FOR REJECTION OF THE BID.

INSTRUCTIONS:

The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy with the bid document shall not relieve the bidder of the obligation to include this addendum in the bid proposal.

Hermin Sierra Const. Inc.
Bidder's Name

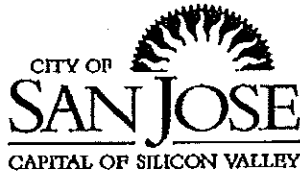
Approved By:

Francisco V. Sierra VP/GM
Signature and Title of Bidder

Tim Borden
TIMM BORDEN
Deputy Director of Public Works Department

03-25-10
Date

THIS ADDENDUM CONTAINS 2 PAGES

*Department of Public Works*

TRANSPORTATION AND HYDRAULICS SERVICES DIVISION

March 19, 2010

**ADDENDUM NO. 2
TO
THE PLANS AND SPECIFICATIONS
FOR
UNIVERSITY AVENUE SANITARY SEWER REPLACEMENT**

Notice is hereby given that the following clarifications, revisions, additions and/or deletions are hereby made of, and incorporated into the Specifications for UNIVERSITY AVENUE SANITARY SEWER REPLACEMENT.

IMPORTANT

THIS ADDENDUM SHOULD BE ACKNOWLEDGED WHEN YOUR BID IS SUBMITTED. FAILURE TO ACKNOWLEDGE THE ADDENDUM MAY CONSTITUTE GROUNDS FOR REJECTION OF THE BID.

INSTRUCTIONS:

The bidder must sign this addendum in the space provided below and return one signed copy with the bid. Failure to return the signed copy with the bid document shall not relieve the bidder of the obligation to include this addendum in the bid proposal.

Fernando Sierra Const. Inc.
Bidder's Name

Approved By:

Francisco V. Sierra VP/GM
Signature and Title of Bidder

Tim Borden
TIMM BORDEN
Deputy Director of Public Works Department

03-25-10
Date

THIS ADDENDUM CONTAINS 7 PAGES